bankruptcy can avail himself of the defense of usury as against an obligation of the bankrupt. *In re Kellogg*, 10 Am. B. R. 7. A trustee, under operation of the Bankruptcy Law, is a privy in estate with the borrower, and stands in the same relation with a mortgagee as the bankrupt stands, so far as the defense of usury is concerned. *Knickerbocker Life Ins. Co. v. Nelson*, 78 N. Y. 150. The trustee stands in the shoes of the bankrupt. *Bankruptcy Act*, 70 a; *Wheelock v. Lee*, 64 N. Y. 243. He is his legal representative. *Wright v. First Nat. Bank*, Fed. Cas. No. 18078; *Collier on Bankruptcy*, 2nd. Ed., 415-417.

BANKRUPTCY—INVENTOR'S RIGHTS BEFORE PATENT—TRANSFER.—IN RE DANN, 129 FED. 495.—The Bankruptcy Act expressly provides for a transfer, to the trustee in bankruptcy, of the bankrupt's interest in patents, patent rights, copyrights and trade marks, and Rev. Stat. Sec. 4895, clause 5, provides for a surrender of all property, which, prior to filing of petition, the bankrupt could by any means have transferred. *Held*, that a bankrupt's incorporeal interest in an alleged invention pending application for patent, was not such property as would pass to his trustee.

This question seems not to have arisen before in this country, and in the only English case found on the point the holding of the court was contrary to the decision in the present case. *Hesse v. Stevenson*, 3 Bos. & P. 565. In the absence of statutes, an inventor has rights to the fruits of his ingenuity, but he cannot prevent others from enjoying them to the same extent. *Patterson v. Kentucky*, 97 U. S. 501, 507. Substantial property right of exclusive use in an invention is created alone by patent. *Gayler v. Wilder*, 10 How. 477. An assignment of patent rights is good, though the invention be not then patented. *Hendrie v. Sayles*, 98 U. S. 546; *Dalzell v. Dueber Watch Case Mfg. Co.*, 149 U. S. 315. Materials of a newly invented machine pass to the trustee, though the patent for the invention has not then been granted. *Sawin v. Guild*, 1 Gallis. 485. It is difficult to see the reason for holding that the inventor has property right enough in his invention before patent to make a valid assignment, but that in case of an assignment by operation of law he has not such property rights, if his invention be not then patented. There are *dicta*, however, in the well-considered case of *Gillett et al. v. Bate et al.*, 86 N. Y. 87, which support the decision in the present case.

BRIBERY—VALIDITY OF ACT.—STATE V. LEHMAN, 81 S. W. 1118 (Mo.).—*Held*, that in order to constitute bribery it is not necessary that the vote of the official bribed should be on a valid measure.

The present case is in harmony with the rule laid down in *Glover v. State*, 109 Ind. 391, where a local official was held to be guilty of bribery, although the contract which he was bribed to make was not binding upon the township. It is also held in some jurisdictions to be immaterial whether or not the official bribed possessed the authority requisite to perform the act. *In re Bozeman*, 42 Kan. 451. But the rule in the Federal courts is otherwise. *U. S. v. Gibson*, 47 Fed. 833; *U. S. v. Boyer*, 85 Fed. 425. An offer to bribe a judge as to the decision of a case to be instituted before him in the future, where, however, it was never actually commenced, is indictable at common law. *People v Markham*, 64 Cal. 157. But the offering of money to a legislator to vote for a certain person to fill an office which does not in fact exist is not bribery. *Com. v. Reese*, 16 Ky. L. 493. Since the gist of the offense

is the attempt to improperly influence official action, the courts are not inclined to regard the legality of the particular act as essential.

CONSTITUTIONAL LAW—DUE PROCESS—FORFEITURE OF LAND FOR FAILURE TO PAY TAXES.—ROPER LBR. CO. V. ELIZABETH CITY LBR. CO., 47 S. E. 757 (N. C.).—*Held*, that a statute, declaring that on failure of grantee of state swamp lands to pay taxes due on same the interest of such grantee shall be forfeited and vested in the state, without any proceeding or judicial determination, is invalid because it deprives the grantee of his property "without due process of law," in violation of the state constitution.

By "law" in this provision is not meant merely an act of the legislature. *Calhoun v. Fletcher*, 63 Ala. 574; *Clark v. Mitchell*, 64 Mo. 564. Nor can one be deprived of his property without due process through the medium of a constitutional convention. *Clark v. Mitchell*, 69 Mo. 627. Notice is required. *Iowa Cent. R. Co. v. Iowa*, 160 U. S. 389; *Louisville & Nashville R. Co. v. Schmidt*, 177 U. S. 230. There must be an opportunity for a hearing. *Davidson v. New Orleans*, 96 U. S. 97; *Simon v. Croft*, 182 U. S. 427. Judicial procedure is not always required. *Davidson v. New Orleans, supra.* A proper exercise of the taxing power of a state does not deprive a citizen of his property without due process of law, but the taxpayer must have some kind of notice and an opportunity to be heard before the charge becomes finally fixed upon his property. *Santa Clara v. So. Pac. R. Co.*, 18 Fed. 385; *Hayland v. Brazil Block Coal Co.*, 128 Ind. 335. Summary remedies may be used in the collection of taxes, that could not be applied in cases of judicial character. *Murray's Lessee v. Hoboken Land & Imp. Co.*, 18 How. 272. Statutes have been held valid which declared that upon failure to pay taxes the land should be forfeited to the state by operation of law, without any judicial proceeding or finding of any kind, the statutes providing further, that lands so forfeited should, at a certain time, be offered for sale, the former owner having a right to redeem at such sale. *W. Va. v. Sponangle et al.*, 45 W. Va. 415; *King v. Mullins*, 171 U. S. 404. In the present case, as the taxpayer is deprived of his property without any process at all, and as no opportunity is afforded him to repossess it, the correctness of the decision cannot be doubted. *Griffin v. Mixon*, 38 Miss. 424.

CONSTITUTIONAL LAW—STATUTE FORBIDDING DISCHARGE OF EMPLOYEE—MEMBERSHIP IN LABOR UNION.—COFFEYVILLE VITRIFIED BRICK & TILE CO. V. PERRY, 76 PAC. 848 (KAN.).—*Held*, that a statute which makes it unlawful to discharge an employee because he belongs to a lawful labor organization, and which provides for the recovery of damages for such discharge, is unconstitutional.

The right of employees to quit work singly or in a body is recognized. *U. S. v. Kane*, 23 Fed. 748; *King v. Ohio & M. R. Co.*, 7 Biss. 533; *U. S. v. Workingmen's Council*, 54 Fed. 794. The authorities put labor and capital on the same plane. *State v. Glidden*, 55 Conn. 74; *Rogers v. Evarts*, 17 N. Y. Supp. 264; *State v. Stewart*, 59 Vt. 285. It is a part of a man's civil rights that he be left at liberty to refuse business relations with another for any reason. *Dely v. Winfree*, 80 Tex. 400; *Orr v. Home Mut. Ins. Co*, 12 La. Ann. 255. Labor is property and the right to contract and terminate contracts is a property right preserved by the constitution. *Frorer v. People*, 141 Ill. 172; *Millet v. People*, 117 Ill. 295. A statute which attempts to